# **ORDINANCE NO. 990513-54**

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

3 TRACTS OF LAND OUT OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, FROM FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) DISTRICT, NEIGHBORHOOD OFFICE-CONDITIONAL OVERLAY (NO-CO) DISTRICT AND RURAL RESIDENCE (RR) DISTRICT, LOCALLY KNOWN AS 704 NORTH BLUFF DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

## BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** The Zoning Map established by Chapter 25-2-191 of the City Code is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on the property described in File C14-99-0055, as follows:

Tract 1: From Family Residence (SF-3) district to Community Commercial-Conditional Overlay (GR-CO) district.

A 5.543 acre tract of land out of the William Cannon League, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

Tract 2: From Family Residence (SF-3) district to Neighborhood Commercial-Conditional Overlay (NO-CO) district.

A 1.043 acre tract of land out of the William Cannon League, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

Tract 3: From Family Residence (SF-3) district to Rural Residence (RR) district.

A 4.543 acre tract of land out of the William Cannon League, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance, (the "Property")

locally known as 704 North Bluff Drive, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

- **PART 2.** The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:
- 1. As to Tracts 2 and 3, a ten foot landscaped buffer zone shall be provided and maintained along and adjacent to North Bluff Drive. Improvements permitted in the landscaped buffer zone referenced in this ordinance shall be limited to one driveway, landscaping, and underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- 2. As to Tracts 1 and 2, a ten foot landscaped buffer zone shall be provided and maintained along the perimeter of the Property abutting the adjacent Family Residence-Historic (SF-3-H) district property.
- 3. Development of the Property is restricted to a maximum impervious cover of 60 percent of the gross site area.
- 4. All lighting on the Property shall be shielded under the requirements of the Compatibility Standards in Section 25-2 of the Code.
- 5. As to Tract 1, the following uses of the Property are prohibited:

Vehicle Storage
Automotive Repair Services
Automotive Washing (Of Any Type)
Automotive Rentals
Drop-Off Recycling Collection Facility
Exterminating Services
Food Sales

Restaurant (Drive-In, Fast Food)
Restaurant (Limited)

Restaurant (General) Pawn Shop Services Congregate Living

Residential Treatment

Maintenance & Service Facilities

**Adult Oriented Business** 

6. As to Tract 2, the following uses of the Property are prohibited as conditional uses:

Congregate Living Residential Treatment

7. As to Tract 1, no building or structure on the property shall exceed a height of 40 feet from ground level.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 3.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on May 24, 1999.

PASSED AND APPROVED

May 13\_\_\_\_\_\_, 1999

1 hu Ma

Kirk Watson Mayor

APPROVED: Marton ATTEST

Andrew Martin
City Attorney

Shirley A. Brown City Clerk

Tract /

5.543 ACRES ZONING PARCEL WILSON TRACT FN NO. 97-239 (MM) JUNE 13, 1997 BPI JOB NO. 673-03.09

#### DESCRIPTION

OF 5.543 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF THE REMAINING PORTION OF THAT CERTAIN 32.3 ACRE TRACT CONVEYED TO W. D. WILSON, JR. ET. AL. BY DEED OF RECORD IN VOLUME 6324, PAGE 907 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.543 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found at the northeasterly corner of that certain tract of land conveyed to the Onion Creek Lodge tract in deed of record in Volume 118, Page 257 of the Deed records of Travis County, Texas, being the most westerly northwest corner of Lot 5, Block "A", Ridge at William Cannon Resubdivision No. 1, a subdivision of record in Book 95, Page 114-115 of the Plat Records of Travis County, Texas, same being a point in the irregular southerly line of said W. D. Wilson, Jr. tract, from which a 1/2 inch iron rod found at the northernmost corner of Lot 4, Block "A", of said Ridge at William Cannon, bears S00°02'04"W, a distance of 232.60 feet;

THENCE, along the irregular northerly line of said Onion Creek Lodge tract, being the irregular southerly line of said W. D. Wilson tract, the following three (3) courses and distances:

- 1) N89°43'13"W, a distance of 263.44 feet to a 1/2 inch iron rod found being an angle point;
- 2) S00°52'25"W, a distance of 127.01 feet to a 1/2 inch iron pipe found being an angle point;
- 3) N87°14'04"W, a distance of 44.51 feet for an angle point hereof, from which a concrete monument found in the easterly right-of-way line of North Bluff Drive (60' R.O.W.), being the most westerly northwest corner of said Onion Creek Lodge tract, same being the southwesterly corner of said W. D. Wilson, Jr. tract bears N87°14'04"W, a distance of 233.66 feet;

THENCE, leaving the irregular northerly line of said Onion Creek Lodge tract, over and across said W. D. Wilson, Jr. tract, the following sixteen (16) courses and distances:

- 1) N28°22'13"W, a distance of 311.79 feet to an angle point;
- 2) N09°06'49"E, a distance of 71.98 feet to an angle point;
- 3) N70°52'14"E, a distance of 57.00 feet to an angle point;
- 4) N86°56'18"E, a distance of 103.00 feet to an angle point;

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- 5) N61°41'13"E, a distance of 100.00 feet to an angle point;
- 6) N07°56'14"E, a distance of 33.00 feet to an angle point;
- 7) N60°41'49"E, distance of 65.00 feet to an angle point;
- 8) S85°19'19"E, a distance of 58.00 feet to an angle point;
- 9) S80°08'48"E, a distance of 132.00 feet to an angle point;
- 10) S73°18'50"E, a distance of 72.00 feet to an angle point;
- 11) S60°42'14"E, a distance of 127.00 feet to an angle point;
- 12) S67°57'23"E, a distance of 103.00 feet to an angle point;
- 13) S81°50'46"E, a distance of 53.00 feet to an angle point;
- 14) N80°51'08"E, a distance of 41.00 feet to an angle point;
- 15) N88°35'41"E, a distance of 22.00 feet to an angle point;
- 16) S48°54'29"E, a distance of 10.00 feet to a point in the irregular westerly line of said Lot 5, being the easterly line of said W. D. Wilson, Jr. tract;

THENCE, S26°09'22"W, along the irregular westerly line of said Lot 5, being the easterly line of said W. D. Wilson, Jr. tract, a distance of 217.81 to a 1/2 inch iron rod found at the southeasterly corner of said W. D. Wilson tract, being an angle point in the irregular westerly line of said Lot 5;

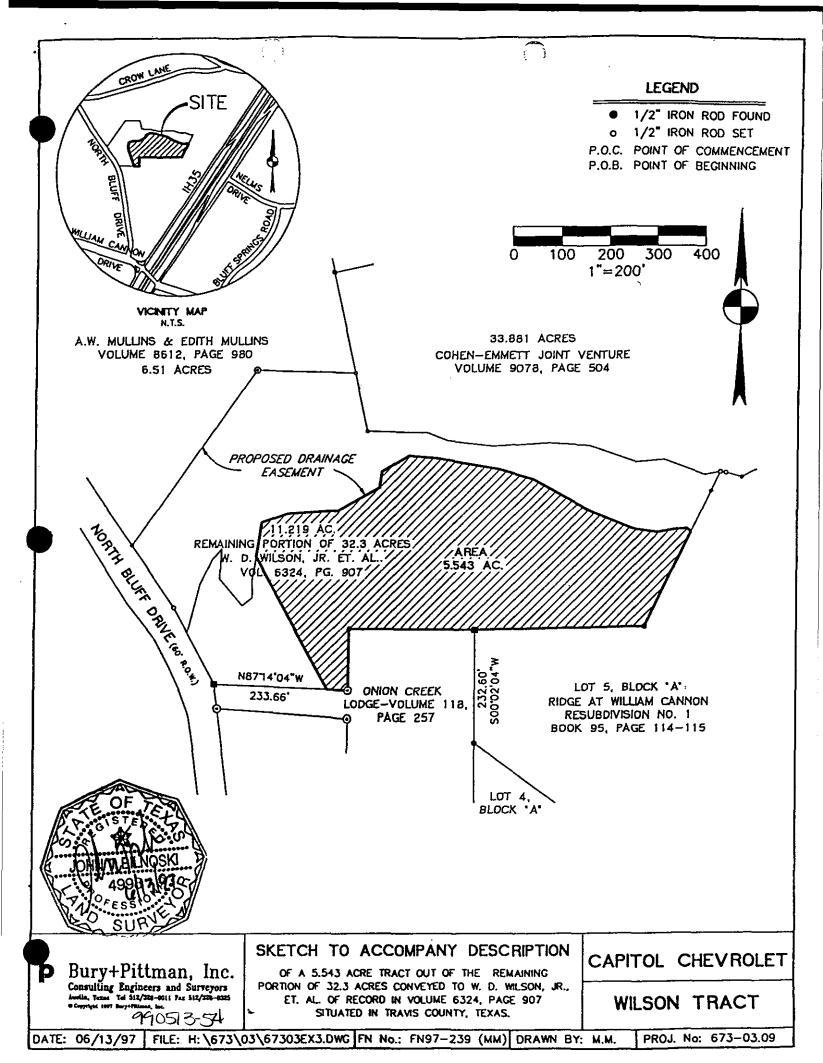
THENCE, S88°54'41"W, continuing along the irregular westerly line of said Lot 5, being the southerly line of said W. D. Wilson tract, a distance of 349.00 feet to the POINT OF BEGINNING, containing an area of 5.543 acres (241,471 sq. ft.) of land, more or less, within these metes and bounds.

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PITTMAN ENGINEERS - SURVEYORS 3345 BEE CAVES ROAD, STE. 200 AUSTIN, TEXAS 78746

JOHN/T. BILNOSKI R.P.L.S. NO. 4998

STATE OF TEXAS



Tract 2

1.043 ACRES ZONING PARCEL WILSON TRACT FN NO. 97-238 (MM) JUNE 13, 1997 BPI JOB NO. 673-03.09

#### DESCRIPTION

OF 1.043 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF THE REMAINING PORTION OF THAT CERTAIN 32.3 ACRE TRACT CONVEYED TO W. D. WILSON, JR. ET. AL. BY DEED OF RECORD IN VOLUME 6324, PAGE 907 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.043 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found in the easterly right-of-way line of North Bluff Drive (60' R.O.W.), being the most westerly northwest corner of that certain tract of land conveyed to the Onion Creek Lodge of record in Volume 118, Page 257 of the Deed Records of Travis County, Texas, same being the southwesterly corner of said W. D. Wilson, Jr. tract;

THENCE, N28°22'13"W, along the easterly line of said North Bluff Drive, being the westerly line of said W. D. Wilson tract, a distance of 120.50 feet to an angle point;

THENCE, leaving the easterly line of North Bluff Drive, over and across said W. D. Wilson tract, the following nine (9) courses and distances:

- 1) N14°42'24"E, a distance of 103.00 feet to an angle point;
- 2) N26°20'13"E, a distance of 58.00 feet to an angle point;
- 3) N39°00'24"E, a distance of 30.00 feet to an angle point;
- 4) S03°19'42"W, a distance of 63.00 feet to an angle point;
- 5) S39°52'47"E, a distance of 73.00 feet to an angle point;
- 6) N51°58'22"E, a distance of 27.00 feet to an angle point;
- 7) N00°43'20"W, a distance of 36.00 feet to an angle point;
- 8) N09°06'49"E, a distance of 49.02 feet to an angle point;
- 9) S28°22'13"E, a distance of 311.79 feet to a point in the irregular northerly line of said Onion Creek Lodge tract, being the irregular southerly line of said W. D. Wilson tract, from which a 1/2 inch iron pipe found at an angle point in said irregular northerly line bears S87°14'04"E, a distance of 44.51 feet;

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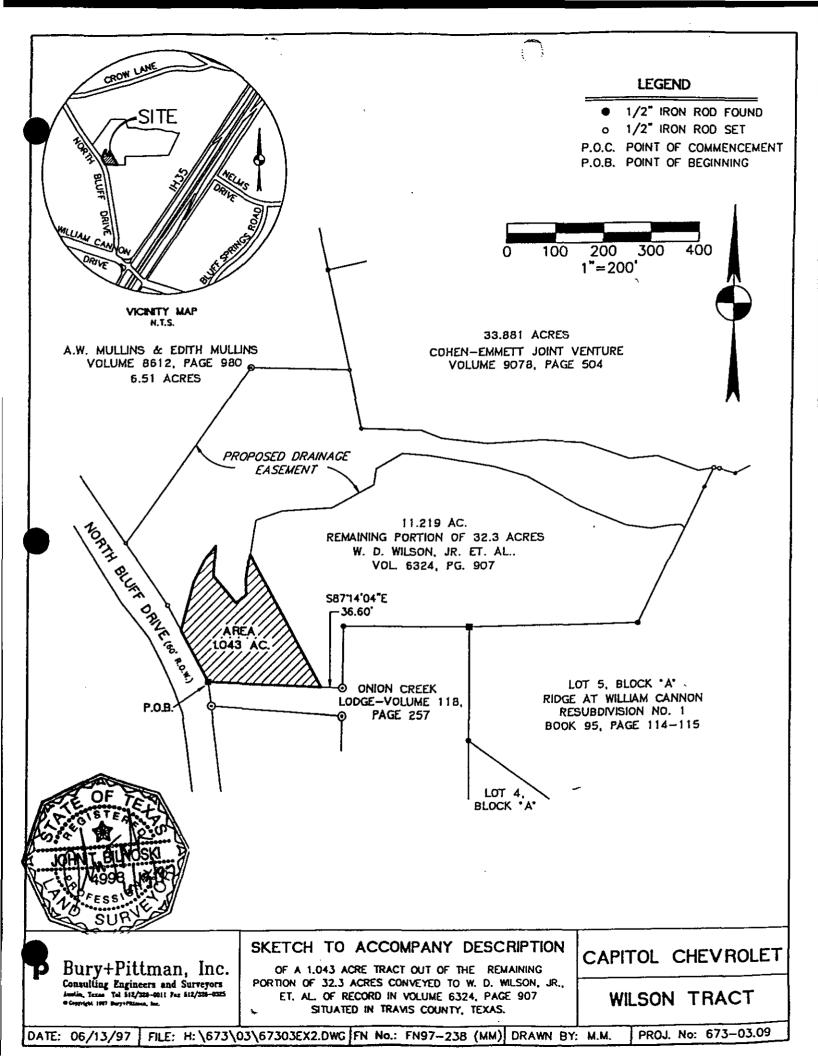
THENCE, N87°14'04"W, along the irregular northerly line of said Onion Creek Lodge tract, being the irregular southerly line of said W. D. Wilson tract, a distance of 233.66 feet to the POINT OF BEGINNING, containing an area of 1.043 acres (45,424 sq. ft.) of land, more or less, within these metes and bounds

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PITTMAN ENGINEERS - SURVEYORS 3345 BEE CAVES ROAD, STE. 200 AUSTIN, TEXAS 78746

JOHN T. BILNOSKI R.P.L.S. NO. 4998

STATE OF TEXAS



4.543 ACRES DRAINAGE EASEMENT WILSON TRACT FN NO. 97-237 (MM) JUNE 13, 1997 BPI JOB NO. 673-03.09

### DESCRIPTION

OF 4.543 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF THE REMAINING PORTION OF THAT CERTAIN 32.3 ACRE TRACT CONVEYED TO W.D. WILSON, JR. ET. AL. BY DEED OF RECORD IN VOLUME 6324, PAGE 907 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.543 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod found at an angle point in the irregular westerly line of Lot 5 Block "A", Ridge at William Cannon Resubdivision No. 1, a subdivision of record in Book 95, Page 114 of the Plat Records of Travis County, Texas, being the southeasterly corner of said remaining portion of the W.D. Wilson, Jr. tract, from which a concrete monument found at the northeasterly corner of that certain tract of land conveyed to the Onion Creek Lodge of record in Volume 118, Page 257 of the Deed Records of Travis County, Texas, bears S88°54'41"W, a distance of 349.00 feet;

THENCE, N26°09'22"E, along the irregular westerly line of said Lot 5, being the easterly line of said W.D. Wilson, Jr. tract, a distance of 217.81 feet to the POINT OF BEGINNING hereof;

THENCE, leaving the westerly line of said Lot 5, over and across said W.D. Wilson, Jr. tract, the following twenty-two (22) courses and distances:

- 1) N48°54'29"W, a distance of 10.00 feet to an angle point;
- 2) S88°35'41"W, a distance of 22.00 feet to an angle point;
- 3) S80°51'08"W, a distance of 41.00 feet to an angle point;
- 4) N81°50'46"W, a distance of 53.00 feet to an angle point;
- 5) N67°57'23"W, a distance of 103.00 feet to an angle point;
- 6) N60°42'14"W, a distance of 127.00 feet to an angle point;
- 7) N73°18'50"W, a distance of 72.00 feet to an angle point;
- 8) N80°08'48"W, a distance of 132.00 feet to an angle point;
- 9) N85°19'19"W, a distance of 58.00 feet to an angle point;
- 10) S60°41'49"W, a distance of 65.00 feet to an angle point;
- 11) S07°56'14"W, a distance of 33.00 feet to an angle point;

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- 12) S61°41'13"W, a distance of 100.00 feet to an angle point;
- 13) S86°56'18"W, a distance of 103.00 feet to an angle point;
- 14) S70°52'14"W, a distance of 57.00 feet to an angle point;
- 15) S09°06'49"W, a distance of 121.00 feet to an angle point;
- 16) S00°43'20"E, a distance of 36.00 feet to an angle point;
- 17) S51°58'22"W, a distance of 27.00 feet to an angle point;
- 18) N39°52'47"W, a distance of 73.00 feet to an angle point;
- 19) N03°19'42"E, a distance of 63.00 feet to an angle point;
- 20) S39°00'24"W, a distance of 30.00 feet to an angle point;
- 21) S26°20'13"W, a distance of 58.00 feet to an angle point;
- 22) S14°42'24"W, a distance of 103.00 feet to a point in the easterly right-of-way line of North Bluff Drive (60' R.O.W.) being the westerly line of said W.D. Wilson, Jr. tract, for the southernmost southwesterly corner hereof from which a concrete monument at the most westerly northwest corner of said Onion Creek Lodge tract bears S28°22'13"E, a distance of 120.50 feet;

THENCE, along the easterly line of North Bluff Drive, being the westerly line of said W.D. Wilson, Jr. tract, the following two (2) courses and distances:

- 1) N28°22'13"W, a distance of 59.04 feet to a 1/2 inch iron rod set for an angle point;
- 2) N34°03'02"W, a distance of 155.90 feet to a 1/2 inch iron rod set for the southwesterly corner of a 6.51 acre tract of land conveyed to A. W. Mullins and Edith Mullins by deed of record in Volume 8612, Page 980 of the Real Property Records of Travis County, Texas, being the northwesterly corner of said W.D. Wilson, Jr. tract;

THENCE, leaving the easterly line of North Bluff Drive, along the southerly line of said 6.51 acre tract, being the northerly line of said W.D. Wilson, Jr. tract, the following two (2) courses and distances:

1) N35°32'23"E, a distance of 440.73 feet to a 1 inch pipe found for an angle point; FN NO. 97-237 (MM) JUNE 13, 1997 PAGE 3 OF 4

2) S88°18'32"E, a distance of 203.97 feet to a 1/2 inch iron rod set in the westerly line of that certain 33.881 acre tract conveyed to Cohen-Emmett Joint Venture by deed of record in Volume 9078, Page 504 of the Real Property Records of Travis County, Texas, being the southeasterly corner of said 6.51 acre tract from which an iron pipe found in the easterly line of said 6.51 acre tract, being the southwesterly corner of that certain tract of land conveyed to Ellen Nelson Smith by deed of record in Volume 4762, Page 2250 of said Real Property Records bears N12°37'46"W, a distance of 210.55 feet;

THENCE, S12°37'46"E, along the westerly line of said 33.881 acre tract, being the northerly line of said W.D. Wilson, Jr. tract, a distance of 122.25 feet to a 1/2 inch iron rod set for an angle point hereof being at or near the center of Nails Branch Creek, being the southwesterly corner of said 33.881 acre tract;

THENCE, continuing along the northerly line of said W.D. Wilson, Jr. tract, being the southerly line of said 33.881 acre tract, same being the approximate centerline of Nails Branch Creek, the following nine (9) courses and distances:

- 1) S88°35'00"E, a distance of 127.00 feet to an angle point;
- 2) S68°44'00"E, a distance of 44.00 feet to an angle point;
- 3) S83°03'00"E, a distance of 95.00 feet to an angle point;
- 4) N86°37'00"E, a distance of 114.00 feet to an angle point;
- 5) S86°10'00"E, a distance of 83.00 feet to an angle point;
- 6) S71°07'00"E, a distance of 104.00 feet to an angle point;
- 7) N85°13'00"E, a distance of 60.00 feet to an angle point;
- 8) S70°13'30"E, a distance of 90.00 feet to an angle point;
- 9) N80°13'27"E, a distance of 33.16 feet to a 1/2 inch iron rod set in the irregular westerly line of said Lot 5, being the northeasterly corner of said W.D. Wilson, Jr. tract from which a 1/2 inch iron rod set in said irregular westerly line bears S81°39'33"E, a distance of 11.62 feet;

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THENCE, S26°09'22"W, along the irregular westerly line of said Lot 5, being the easterly line of said W.D. Wilson, Jr. tract passing at a distance of 43.47 feet a 1/2 inch iron rod found as a reference and continuing for a total distance of 137.20 feet to the POINT OF BEGINNING, containing an area of 4.543 acres (197,892 sq. ft.) of land, more or less, within these metes and bounds.

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PITTMAN ENGINEERS - SURVEYORS 3345 BEE CAVES ROAD, STE. 200 AUSTIN, TEXAS 78746

JOHN T. BILNOSKI R.P.L.S. NO. 4998 STATE OF TEXAS



